

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on March 30, 2004.

Claims 1 – 20 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 2 and 4 – 6 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,759,603, Curtis et al. (“Curtis”). The rejection, insofar as it may be applied to the amended claims, is respectfully traversed for reasons including the following.

As described in the application, one or more aspects of the invention are directed to solving the problem of providing “a seat occupant sensor equipped with a stopper mechanism working to avoid an excessive degree of bending of a sensing plate without sacrificing the accuracy of measuring a physical load on the sensing plate.” (Specification page 3, lines 4 – 8.)

Independent claim 1 recites in combination, for example, a sensing member, upper and lower members disposed above and beneath the sensing member, and a stopper mechanism, all as further claimed. The stopper mechanism is “installed on one of said upper member and said lower member above the length of said sensing member...” Therefore, a fracture of the sensing member can be avoided, especially when an offset load is experienced by the vehicle occupant seat.

On the other hand, without conceding that Curtis discloses any feature of the present invention, Curtis is directed to weight sensor assemblies for measuring a weight on the vehicle

seat. Curtis discloses a weight sensor equipped with an elastic beam 34. Curtis does not teach or suggest anything regarding the offset load acting on the seat.

To be more specific, the office action asserts that Curtis anticipates the invention as claimed. To the contrary, Curtis fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Curtis fails to teach or suggests, for example, "a stopper mechanism installed on one of said upper member and said lower member above the length of said sensing member." (See, e.g., claim 1.) The office action considers Curtis, element 68 to be a stopper mechanism, element 44 to be the sensing member, and elements 28 and 24 are equated to the upper and lower members respectively. To the contrary, Curtis cannot provide the stopper mechanism above the length of Curtis' sensing member.

Curtis fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Curtis.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Curtis clearly fails to show other claimed features as well.

With respect to rejected dependent claims 2 and 4 – 6, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Curtis. The applicants respectfully request that the rejection be withdrawn for the following reasons. The rejection of claim 3 is respectfully traversed. The applicants take issue with the examiner's position that claim 3 merely involves a rearranging parts of an invention. For a prima facie case of obviousness to be established, the teachings from the prior art itself must appear to have suggested the claimed subject matter to one of ordinary skill in the art. *See In re Fritch*, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). The examiner appears to be impermissibly using personal knowledge to support this rejection. The applicants therefore request that the examiner provide a prior art reference or an affidavit under 37 CFR .104(d)(2) to support the rejection, if the rejection is maintained.

Claim 3 is additionally considered to be allowable for the reasons given in connection with independent claim 1. The examiner is therefore respectfully requested to withdraw the rejection thereof.

New claims 8 – 20 have been added to further define the invention, and are believed to be patentable for reasons including these set out above.

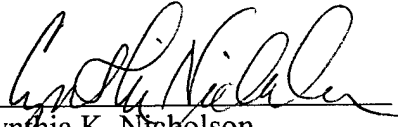
The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


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